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E.O. 12958: DECL: 08/31/2029  
TAGS: [KACT](#) [PARM](#) [START](#) [US](#) [RS](#)  
SUBJECT: SUPPLEMENTAL GUIDANCE FOR U.S. START FOLLOW-ON  
TREATY DELEGATION (DRAFT NEW START TREATY INSPECTION  
PROTOCOL) (CABLE 3 OF 7)

REF: A. STATE 088262 (U.S.-PROPOSED TREATY TEXT PART 1)  
[1](#)B. STATE 088263 (U.S.-PROPOSED TREATY TEXT PART 2)  
[1](#)C. STATE 088259 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 1)  
[1](#)D. STATE 088260 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 2)

Classified By: Jerry A. Taylor, Director, VCI/SI.  
Reason: 1.4(b) and (d)

[1](#)1. (S) BACKGROUND: On August 25, 2009, U.S. Embassy Moscow provided the texts of the Draft New START Treaty Articles and the associated Definitions Annex to the Russian Federation (Refs A-D). This cable contains the U.S.-proposed draft of the New START Treaty Inspection Protocol. A courtesy Russian language translation will be sent to the Delegation in Geneva by e-mail. The Annexes to the Inspection Protocol will be sent Septel when they are complete, but are unlikely to be finished prior to the end of the August 31-September 3, 2009 session.

[1](#)2. (S) This is the third of seven cables. This cable contains paragraph 17 of Section V through paragraph 23 of Section VI of the U.S.-proposed Draft Inspection Protocol. Delegation and Embassy should note that, due to the length of the draft, the text was sent using multiple cables.

[1](#)3. (S) GUIDANCE: Delegation should provide a copy, including the courtesy Russian language translation, of the U.S.-proposed Draft Inspection Protocol to the Russian Delegation and, as time permits, explain the U.S. positions on the Protocol. Delegation should encourage Russian questions and reactions to the U.S. text and seek to identify areas of agreement and disagreement. Delegation should explain that the associated Inspection Protocol Annexes will be provided as soon as possible.

[1](#)4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S.-proposed draft New START Treaty Inspection Protocol contained in the associated cables into one document and provide a courtesy copy of that text to appropriate host government officials. Embassy Moscow should explain that the U.S. Delegation in Geneva provided the Russian Delegation a paper and electronic copy of the text as well as a courtesy Russian-language translation of the text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that

time.

¶15. (S/Releasable to the Russian Federation) Begin text:

¶17. For a nuclear warhead inspection at an air base for heavy bombers that has been designated for inspection:

(a) If the number of deployed heavy bombers located at the specified air base is less than 70 percent of the number of such airplanes specified as based at that air base, a member of the in-country escort shall so inform the inspection team leader prior to the departure of the inspection team to the inspection site. In such a case, the inspection team leader shall have the right:

(i) to inform a member of the in-country escort that the inspection of the designated facility will proceed; or

(ii) to designate another inspection site; or

(iii) to decline to conduct the inspection. In such a case, the number of nuclear warhead inspections to which the inspecting Party is entitled shall not be reduced.

(b) If the inspection team leader is not so informed, or if the inspection team leader is so informed but decides to continue the inspection, then prior to the departure of the inspection team to the inspection site, a member of the in-country escort shall inform the inspection team leader of the name of the airfield within the national territory of the inspected Party at which will be located each deployed heavy bomber that is specified as based at the facility designated for inspection, and that will be absent from the inspection site but located within the national territory of the inspected Party during the period of the inspection. A member of the in-country escort shall also inform the inspection team leader of the number and type of test heavy bombers that will be located at the inspection site at any time during the period that pre-inspection restrictions on deployed heavy bombers will be in effect.

(c) For sequential inspections, the procedures provided for in subparagraphs (a) and (b) of this paragraph shall be carried out at the location at which the inspection team leader designates the subsequent inspection site pursuant to paragraph 7 of Section III of this Protocol.

¶18. Throughout the in-country period, the inspected Party shall provide, or arrange for the provision of meals, lodging, work space, transportation, and, as necessary, medical and other urgent services for the inspectors, and aircrew members of the inspecting Party. Costs of all such services shall be borne by the inspected Party.

¶19. The inspected Party shall provide, or arrange for the provision of meals, lodging, transportation, and, as necessary, urgent medical services for the monitors while the monitors are at the point of entry; shall provide or arrange for the provision of transportation in connection with travel between the point of entry or the airport associated with the facility subject to continuous monitoring or monitored facility and the facility subject to continuous monitoring or monitored facility, and between the facilities subject to continuous monitoring or monitored facilities; and, at the request of the inspecting Party, shall provide or arrange for the provision of meals, lodging, work space, transportation and, as necessary, medical and other urgent services while monitors are at the facility subject to continuous monitoring or monitored facility. The cost of all services provided for monitors shall be distributed as follows:

(a) The cost of transportation and urgent medical services provided while monitors are at the point of entry shall be borne by the inspected Party.

(b) The cost of meals and lodging provided while monitors

are at the point of entry shall be borne by the inspecting Party.

(c) The cost of temporary and permanent lodging and work space provided while the monitors are at the facility subject to continuous monitoring or monitored facility, including utilities and maintenance for such lodging and work space, shall be borne by the inspecting Party.

(d) The cost of meals, provided at the request of the inspecting Party, while the monitors are at the facility subject to continuous monitoring or monitored facility shall be borne by the inspecting Party.

(e) The cost of transportation of monitors that arrive on an airplane used in accordance with paragraph 3 or 5 of Section IV of this Protocol, together with equipment and supplies that do not exceed the weight specified in accordance with paragraph 13 of Section IV of this Protocol, from the point of entry to the facility subject to continuous monitoring or monitored facility and from such a facility to the point of entry shall be borne by the inspecting Party.

(f) The cost of transportation of monitors, together with equipment and supplies that do not exceed the weight specified in accordance with paragraph 13 of Section IV of this Protocol, from one facility subject to continuous monitoring or monitored facility to another such facility shall be borne by the inspecting Party.

(g) The cost of transportation of monitors from the facility subject to continuous monitoring or monitored facility to the embassy or consulate of the inspecting Party on the territory of the inspected Party and back, pursuant to paragraph 29 of Section XIV of this Protocol, as well as the provision of transportation, meals, and lodging during such travel, shall be borne by the inspecting Party.

(h) The cost of delivering equipment and supplies for continuous monitoring activities that arrive on an airplane used in accordance with paragraph 4 of Section IV of this Protocol, and the cost of transporting the monitors that arrive on such an airplane, from the point of entry to the facility subject to continuous monitoring or monitored facility and from such a facility to the point of entry shall be borne by the inspecting Party.

(i) The cost of delivering equipment and supplies for continuous monitoring activities that arrive on an airplane used in accordance with paragraph 4 of Section IV of this Protocol, and the cost of transporting the monitors that arrive on such an airplane, from the airport associated with the facility subject to continuous monitoring or monitored facility to such a facility and from the facility subject to continuous monitoring or monitored facility to the airport associated with such a facility shall be borne by the inspecting Party.

(j) The cost of urgent evacuation of monitors, at the request of the inspecting Party, from the facility subject to continuous monitoring or monitored facility to the point of entry or airport associated with such a facility shall be borne by the inspecting Party.

(k) The cost of utilities and maintenance of the perimeter and portal continuous monitoring system, including utilities and engineering support for the building for storage of equipment and supplies, shall be borne by the inspecting Party.

(l) The cost of transportation provided for monitors within the zone where monitors may move with the permission of the inspected Party and the free movement zone that are provided for in paragraph 8 of Section XIV of this Protocol shall be borne by the inspected Party.

(m) The cost of medical and other urgent services provided while the monitors are at the facility subject to continuous monitoring or monitored facility shall be borne by the inspecting Party.

¶20. For the goods and services provided by the inspected Party pursuant to paragraphs 18 and 19 of this Section, the following provisions shall apply:

(a) Meals for monitors, inspectors, and aircrew members shall be prepared meals and shall be served either in a dining facility or at a location agreed to by the inspection team leader and a member of the in-country escort.

(b) Lodging for inspectors and aircrew members shall be of the following types:

(i) Lodging for inspectors and aircrew members provided at the point of entry, and for inspectors conducting an inspection pursuant to paragraph 4 of Article XI of the Treaty at facilities where the elimination process occurs continuously or nearly continuously, shall be hotel-type accommodations.

(ii) Lodging for inspectors provided in all other cases shall be sufficient to permit inspectors to sleep. Such lodging need not be separate from the work space for inspectors provided at inspection sites.

(c) Lodging for monitors shall be in buildings built by the inspected Party for the inspecting Party, except that lodging for monitors at the point of entry shall be hotel-type accommodations. Until construction of such buildings is completed the inspected Party shall provide monitors with apartment-type accommodations in existing buildings.

(d) For transportation of inspectors and monitors, the following provisions shall apply:

(i) At the inspection site, the inspected Party shall provide a sufficient number of vehicles to transport the inspection team, and up to five vehicles to transport the subgroups that may be designated by the inspection team leader.

(ii) For monitors at the point of entry and within the zone where monitors may move with the permission of the inspected Party and within the free movement zone that are provided for in paragraph 8 of Section XIV of this Protocol, the inspected Party shall provide vehicles. The drivers of such vehicles shall be considered to be members of the in-country escort.

¶21. The inspecting Party shall provide or arrange for the provision of meals, lodging, work space, transportation, and, as necessary, medical and other urgent services for the escort crew of the inspected Party pursuant to paragraph 4 of Section IV of this Protocol while such escort crew is at or in the vicinity of the last airfield from which the inspection airplane will depart prior to entering the airspace of the inspected Party. Costs for all such services shall be borne by the inspecting Party. The inspecting Party shall provide or arrange for transportation of the escort crew to the last airfield from which the inspection airplane will depart prior to entering the airspace of the inspected Party. The cost for such travel shall be borne by the inspecting Party.

¶22. Coverage of the activities of inspection teams and monitoring teams by representatives of the mass media on the territory of the inspected Party shall be arranged as follows:

(a) at the points of entry the inspected Party shall provide such representatives an opportunity to photograph and televise the arrival and departure of inspection teams

and monitoring teams;

(b) the Parties shall agree on a case-by-case basis through diplomatic channels to provide representatives of the mass media an opportunity to interview inspectors and monitors, to include taking photographs and making audio-visual recordings;

(c) the activities of representatives of the mass media shall be arranged so that such activities do not interfere with the conduct of inspections, continuous monitoring activities, or the process of elimination; and

(d) the Parties shall not allow representatives of the mass media to accompany inspectors during inspections or monitors during the conduct of continuous monitoring activities.

#### VI. General Rules for the Conduct of Inspections and Continuous Monitoring Activities

¶1. Inspectors and monitors shall discharge their functions in accordance with this Protocol.

¶2. Inspectors and monitors shall not disclose information obtained during inspections or continuous monitoring activities except with the express consent of the inspecting Party. They shall remain bound by this obligation after their assignments as inspectors or monitors have ended.

¶3. The boundaries of an inspection site shall be the boundaries of the facility specified on the site diagram that is received pursuant to paragraph 4 of Annex J to the Memorandum of Understanding, or provided in accordance with paragraph 3 of Section I of the Notification Protocol.

¶4. At any facility containing non-contiguous parts of an inspection site that are connected with roads depicted on the site diagram, such roads shall not be considered part of the inspection site. Containers, launch canisters, or vehicles located on such roads shall not be subject to inspection until such containers, launch canisters, or vehicles enter the inspection site during the period of inspection. An item that is transported from one non-contiguous part of the facility to another non-contiguous part of the facility shall not be considered to be in transit provided it is transported directly on roads shown on the site diagram.

¶5. In discharging their functions, inspectors and monitors shall communicate with personnel of the inspected Party only through the in-country escort.

¶6. Except as provided for in this Protocol, inspectors and monitors shall not interfere with ongoing activities at an inspection site or a facility subject to continuous monitoring or monitored facility and shall not hamper or delay the operation of a facility. Inspectors and monitors shall take no actions affecting the safe operation of a facility.

¶7. In carrying out their activities, inspectors and monitors shall observe safety regulations established at the inspection site or perimeter continuous monitoring area including those for personal safety, as well as regulations for the protection of equipment and maintenance of the controlled environment within a facility. The in-country escort shall provide safety briefings in the inspected Party's language. These briefings shall be interpreted by the inspected Party into the inspecting Party's language. The inspected Party shall provide, as necessary, individual protective gear.

¶8. A member of the in-country escort shall ensure necessary lighting for inspectors and monitors to carry out the procedures provided for in this Protocol.

¶9. If inspectors or monitors, in discharging their duties, take actions that are not in accordance with the rules and procedures governing the conduct of inspections or continuous monitoring activities, the in-country escort may inform the inspection team leader or the monitoring team leader, or an authorized representative of such a team, who shall take appropriate measures to prevent a repetition of such actions. If the questions or ambiguities are not resolved at the site, the in-country escort may include a statement in the inspection report or continuous monitoring report concerning such actions, and the inspection team leader or monitoring team leader may include in the report a response to such a statement.

¶10. If members of the in-country escort, in discharging their duties, take actions that are not in accordance with the rules and procedures governing the conduct of inspections or continuous monitoring activities, the inspection team leader or monitoring team leader, or an authorized representative of such a team, may inform the in-country escort, who shall take appropriate measures to prevent a repetition of such actions. If the questions or ambiguities are not resolved at the site, the inspection team leader or monitoring team leader may include a statement in the inspection report or continuous monitoring report concerning such actions, and the in-country escort may include in the report a response to such a statement.

¶11. Except as otherwise provided in this Protocol, the movement and travel of inspectors, monitors, and aircrew members shall be at the discretion of the in-country escort. In case of need for the urgent departure or emergency evacuation of inspectors or monitors from the territory of the inspected Party or urgent travel to the embassy or consulate of the inspecting Party on the territory of the inspected Party, the inspecting Party shall inform the inspected Party of the need for each such departure, evacuation, or travel and the nature of the urgency or emergency. The inspected Party shall arrange without undue delay such departure, evacuation, or travel. The inspecting Party, may, on a case-by-case basis, with the permission of the inspected Party, evacuate inspectors or monitors, using its own airplane and at its own expense, from the airport closest to the inspection site or the facility subject to continuous monitoring or monitored facility. In all cases, the inspected Party shall determine the means of transportation and routes involved in travel. During each such departure, evacuation, or travel, the inspected Party shall have the right to examine the personal baggage of inspectors or monitors, except papers.

¶12. At an inspection site, representatives of the inspected facility shall be included among the in-country escort. For continuous monitoring activities, the Parties shall designate, at each of their facilities subject to continuous monitoring or monitored facilities, an in-country escort. The inspected Party shall ensure that a member of the in-country escort at the facility is continuously available to monitors either in person or by telephone.

¶13. Throughout the period of stay at the point of entry, at the inspection site, or at the perimeter continuous monitoring area, the inspected Party shall ensure that the inspectors and monitors can be in communication with the embassy of the inspecting Party located on the territory of the inspected Party using telephonic communications provided by the inspected Party. Monitors shall also have the right, subject to the provisions of paragraphs 16, 17, and 18 of Section XIV of this Protocol, to use a satellite system for communications between the monitoring team and the territory of the inspecting Party. The inspected Party shall provide means of communication between inspection team subgroups. Such means of communication shall be under the control of the inspected Party.



¶14. For data update, nuclear warhead or formerly declared facility inspections conducted pursuant to paragraphs 2, 3, or 5 of Article XI of the Treaty, the inspected Party shall transport the inspection team from the point of entry to the inspection site no later than nine hours after the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 3 of Section III of this Protocol, except that for inspections conducted at ICBM bases for mobile launchers of ICBMs, the inspected Party shall transport the inspection team to the inspection site no later than 24 hours after that time. If an inspection is conducted after completion of a previous inspection as provided for in paragraph 36 of this Section, the inspected Party shall transport the inspection team to the inspection site within the following time periods:

(a) no later than nine hours after the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 8 of Section III of this Protocol, if such a notification is provided at the point of entry; or

(b) no later than 18 hours after the time for the designation of the inspection site specified in the notification provided in accordance with paragraph 8 of Section III of this Protocol, if such a notification is provided at the inspection site.

¶15. The inspection team shall have the right, subject to the provisions of paragraphs 8 and 9 of Section V of this Protocol, to bring onto the inspection site documents intended for inspections, as well as equipment, the maximum number of which for any specific item shall not exceed the number specified in Annex 8 to this Protocol for the corresponding item in the list of equipment for any given type of inspection. During its stay at the inspection site the inspection team shall have the right to store the equipment in the work space for inspectors. Such equipment shall be stored under the control of the inspection team. Throughout the in-country period the inspectors shall permit the in-country escort to observe such equipment.

¶16. Monitors shall have the right, subject to the provisions of paragraphs 8, 9, and 10 of Section V of this Protocol and of Annex 7 to this Protocol, to bring, and shall have the right, subject to the provisions of paragraph 10 of Section V of this Protocol and of Annex 7 to this Protocol, to deliver to each facility subject to continuous monitoring or monitored facility documents intended for continuous monitoring activities, as well as equipment provided for in Annexes 8 and 9 to this Protocol and supplies. Throughout the in-country period the monitors shall permit the in-country escort to observe such equipment and supplies, except when those supplies are located in the living quarters for the monitors, and except when such equipment and supplies are located in their office premises that enjoy inviolability or protection in accordance with subparagraph 7(b) of Section II of this Protocol.

¶17. The inspecting Party shall provide to the inspected Party through diplomatic channels a list of items of equipment, provided for in Annex 8 or 9 to this Protocol, indicating the manufacturers name and the model, if not previously provided. Technical specifications of such items of equipment shall be agreed by the Parties without undue delay and prior to the first time such items of equipment are brought or delivered to the territory of the inspected Party. The inspecting Party shall have the right to replace, upon agreement with the inspected Party, equipment provided for in Annex 8 or 9 to this Protocol with other equipment, subject to the following provisions:

(a) If the purpose and characteristics of the replacement equipment are similar to the purpose and characteristics

of the equipment provided for in Annex 8 or 9 to this Protocol, such equipment shall, at the choice of the inspected Party, be agreed upon either before such equipment is delivered to the territory of the inspected Party or upon completion of the examination of the equipment conducted in accordance with paragraph 8 of Section V of this Protocol or in accordance with paragraph 4 or 8 of Annex 7 to this Protocol when applicable. For that purpose, the inspecting Party shall provide to the inspected Party through diplomatic channels a list and description of such equipment, indicating the manufacturers name and the model, if available, and the type of inspection or the place in the perimeter and portal continuous monitoring system where the equipment will be used or installed. This list and this description shall be provided in the time agreed for the provision of the inventory in accordance with paragraph 1 of Annex 7 to this Protocol.

(b) If the Parties have not reached agreement regarding the replacement equipment in accordance with subparagraph (a) of this paragraph, or if the purpose or characteristics of the replacement equipment differ from the purpose and characteristics of the equipment provided for in Annex 9 to this Protocol, the question of the use of such equipment shall be agreed upon within the framework of the Bilateral Consultative Commission.

¶18. During an inspection or continuous monitoring activities, inspectors or monitors shall have the right to use any of the equipment specified in Annex 8 or 9 to this Protocol for a specific type of inspection or for continuous monitoring activities, except for cameras, which shall be used only by the inspected Party, at the request of the inspecting Party. At the request of the inspectors or monitors, a member of the in-country escort shall take photographs in order to obtain two photographs of each object or building located within the inspection site or perimeter continuous monitoring area, designated by the inspectors or monitors, relating to which questions or ambiguities have arisen. One camera on a tripod shall be allowed for taking two photographs in sequence. Each Party shall retain one hard copy photograph of each item. The photographic equipment furnished by the inspecting Party shall be capable of producing instant development photographs or immediate printouts of digital photographs.

¶19. Measurements recorded during inspections or continuous monitoring activities shall be certified by the signatures of an inspector or a monitor and a member of the in-country escort immediately after they are taken. Such certified data shall be included in the inspection report or continuous monitoring report. The result of each measurement of the weight or dimensions that deviates by no more than three percent from the relevant technical data provided pursuant to Article VIII of the Treaty shall be considered acceptable.

¶20. For the purposes of this Protocol, an item of inspection is understood to mean:

(a) for data update and formerly declared facility inspections at facilities other than air bases for heavy bombers, training facilities for heavy bombers, and storage facilities for heavy bombers: an ICBM or SLBM, a first stage of an ICBM or SLBM maintained, stored, and transported in stages, a first stage of an ICBM for mobile launchers of ICBMs, a solid rocket motor for a first stage of an ICBM for mobile launchers of ICBMs, a mobile launcher of ICBMs, or support equipment of the inspected Party;

(b) for data update inspections at training facilities for heavy bombers, and storage facilities for heavy bombers: a deployed heavy bomber of the inspected Party; and

(c) for nuclear warhead inspections of deployed heavy bombers:



(i) within the boundaries of the site diagram for the air base: a deployed heavy bomber of the inspected Party.

(ii) within the boundaries of the site diagram for the nuclear armaments weapons storage area: the specified nuclear armaments for deployed heavy bombers.

¶21. For the purposes of this Protocol, an item of continuous monitoring is understood to mean an ICBM for mobile launchers of ICBMs or a first stage of such an ICBM, if such an ICBM is maintained, stored, and transported in stages.

¶22. For the purposes of this Protocol, for each structure, container, launch canister, covered or environmentally protected object, vehicle, or object, the expression large enough to contain or large enough to be an item of inspection or item of continuous monitoring is understood to mean that each of the measured linear dimensions, that is, length, width, height, and diameter, of such structure, container, launch canister, covered or environmentally protected object, vehicle, or other object is determined to be 97 percent or more of the corresponding linear dimensions specified for that item.

¶23. For each Party, the size criteria used in inspections shall be determined on the basis of the diameters and lengths of all the reference cylinders for the items of inspection of that Party. The specific size criteria for inspections are provided in paragraphs 1 and 2 of Annex 12 to this Protocol. The lengths and diameters of the reference cylinders shall be:

(a) for data update and formerly declared facility inspections at facilities other than air bases for heavy bombers, training facilities for heavy bombers, and storage facilities for heavy bombers:

(i) for ICBMs for mobile launchers of ICBMs: the diameter of the first stage of an ICBM of each type of ICBM for mobile launchers of ICBMs and the agreed percentage of the length of that stage;

(ii) for ICBMs and SLBMs that are maintained, stored, and transported in stages: the diameter of the first stage of an ICBM or SLBM of each type and 90 percent of the length of that stage, except for such ICBMs for mobile launchers of ICBMs; and

(iii) for ICBMs and SLBMs that are maintained, stored, and transported as assembled missiles in launch canisters or without launch canisters, and for SLBMs that are maintained, stored, and transported as assembled missiles: the diameter and length of an ICBM or SLBM of each type in the shipment configuration that is the shortest configuration specified that holds an assembled ICBM or SLBM of that type without the front section, except for such ICBMs for mobile launchers of ICBMs.

(b) for nuclear armaments weapons storage areas during nuclear warhead inspections of deployed heavy bombers: the length and diameter of the smallest nuclear armament for heavy bombers.

End text.  
CLINTON